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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,118	08/04/2003	D. Keith Miller	4847-04A	5751
4678	7590	12/07/2005	EXAMINER	
MACCORD MASON PLLC 300 N. GREENE STREET, SUITE 1600 P. O. BOX 2974 GREENSBORO, NC 27402			LUGO, CARLOS	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/634,118

Applicant(s)

MILLER ET AL.

Examiner

Carlos Lugo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-33 and 36-54 is/are rejected.
- 7) ☒ Claim(s) 34 and 35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input checked="" type="checkbox"/> Other: <u>attachment #1</u> .        |

### DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on September 26, 2005.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 9-28 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,801,164 to Mosch in view of US Pat No 6,568,723 to Murphy et al (Murphy).

Regarding claims 9 and 22, Mosch discloses a window latch comprising a cam latch (30 and 36); a housing (10); and a pivot fastener (31,32 and 42) for attaching the cam latch to the housing. The cam latch is selectively movable between a first open position and a second locked position to secure the window sash in the closed position.

However, Mosch fails to disclose supporting walls that engage the surface of the window sash.

Murphy teaches that it is well known in the art to have support walls extending across the housing that engage a surface of a window sash (see attachment #1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate into the device described by Mosch supporting

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walls capable of engaging a surface of the window sash, as taught by Murphy, in order to provide support to the housing structure.

As to claim 10, Mosch discloses that the cam latch includes an actuator arm (30), a locking arm (body of 36) and a pivot point (through 31) between the actuator arm and the locking arm.

As to claim 11, Mosch discloses that the window latch further includes a finger tab (end portion of 30) on the actuator arm.

As to claim 12, Mosch illustrates that the locking arm further includes a cam wall (50).

As to claim 13, Mosch illustrates that the ratio of the length of the actuator arm to the length of the locking arm is greater than about 2 to provide a mechanical advantage when the window latch is operated (see Figure 4).

As to claim 14, Mosch discloses that one of the actuator arm and the locking arm includes a key lock receptor (55) and the other of the actuator arm and the locking arm including a complementary key lock (69) extending into the key lock receptor for attaching the cam latch to the housing.

As to claims 15 and 16, Mosch fails to disclose the use of a fastener extending into the key lock and key lock receptor. Mosch discloses the use of a pin (31).

Murphy teaches that it is well known in the art to secure a key lock (38) into a key lock receptor (32) using a threaded fastener (Figure 2b).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to secure the key lock described by Mosch with a fastener, as taught by Murphy, in order to secure the members.

As to claim 17, Mosch discloses that one of the key lock and the key lock receptor further includes an alignment feature and the other of the key lock and the key lock receptor further includes a mating alignment feature (32,33 and 55).

As to claim 18, Mosch illustrates that the housing extends beyond the pivot fastener parallel to the window frame (Figure 3) and includes an aperture (14 and 15) for receiving a fastener for attaching the housing to the window.

As to claim 19, Mosch discloses that the aperture for receiving a fastener includes a retainer (the retainer can be the top edge of the apertures 14 and 15) for receiving a fastener.

As to claim 20, Mosch discloses that the base of the aperture for receiving a fastener includes a cavity (space under 14 and 15) for receiving shavings formed by attaching the window latch to the window.

As to claim 21, Mosch illustrates that the housing extends beyond the pivot fastener parallel to the window frame to include a finger shoulder for providing access to the cam latch.

As to claim 23, Mosch, as modified by Murphy, illustrates that the support wall is substantially perpendicular to the window frame.

As to claim 24, Mosch discloses that the window latch further comprises a locking arm catch (12).

As to claim 25, Mosch discloses that the window latch further includes a cam detent (53) for engaging the locking arm.

As to claims 26 and 27, Mosch discloses that the window latch further includes an aperture (16 and 17) for receiving a fastener for attaching the locking arm catch to the window.

As to claim 28, Mosch discloses that the pivot fastener is substantially non-compressible so as to facilitate the selective movement of said cam latch between the first open position and the second locked position.

4. **Claims 29-33 and 36-54 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,801,164 to Mosch in view of US Pat No 6,568,723 to Murphy et al (Murphy) and further in view of US Pat No 5,741,032 to Chaput.

Regarding claims 29 and 48, Mosch discloses a window latch comprising a cam latch (30 and 36); a housing (10); and a pivot fastener (31,32 and 42) for attaching the cam latch to the housing. The cam latch is selectively movable between a first open position and a second locked position to secure the window sash in the closed position.

However, Mosch fails to disclose supporting walls that engage the surface of the window sash.

Murphy teaches that it is well known in the art to have support walls extending across the housing that engage a surface of a window sash (see attachment #1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate into the device described by Mosch supporting

walls capable of engaging a surface of the window sash, as taught by Murphy, in order to provide support to the housing structure.

Further, Mosch fails to disclose that the window latch further includes a detent for retaining the cam latch in one of the open or closed positions.

Chaput teaches that it is well known in the art to have a window latch that further includes a cam detent (22 and 24) for retaining the cam latch in one of the open or closed positions.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the window latch of Mosch with a cam detent, as taught by Chaput, in order to retain the cam latch in one of the open or closed positions.

As to claim 30, Chaput teaches that the detent provides an audible indication of the cam latch being in one of the open and the locked positions (because of the snap connection between 21 with 22 or 24).

As to claims 31 and 32, Chaput teaches that the detent includes at least one protrusion on one of the housing and the cam latch and a receiving groove on the other of the housing and the cam latch (21,22 and 24). The protrusion and the groove are substantially parallel to the axis of the pivot fastener.

As to claim 33, Mosch discloses that the window latch further includes a bushing (35) adapted for use with the pivot fastener.

As to claim 36, Mosch discloses that the cam latch includes an actuator arm (30), a locking arm (body of 36) and a pivot point (through 31) between the actuator arm and the locking arm.

As to claim 37, Mosch discloses that the window latch further includes a finger tab (end portion of 30) on the actuator arm.

As to claim 38, Mosch illustrates that the locking arm further includes a cam wall (50).

As to claim 39, Mosch illustrates that the ratio of the length of the actuator arm to the length of the locking arm is greater than about 2 to provide a mechanical advantage when the window latch is operated (see Figure 4).

As to claim 40, Mosch discloses that one of the actuator arm and the locking arm includes a key lock receptor (55) and the other of the actuator arm and the locking arm including a complementary key lock (69) extending into the key lock receptor for attaching the cam latch to the housing.

As to claims 41 and 42, Mosch fails to disclose the use of a fastener extending into the key lock and key lock receptor. Mosch discloses the use of a pin (31).

Murphy teaches that it is well known in the art to secure a key lock (38) into a key lock receptor (32) using a threaded fastener (Figure 2b).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to secure the key lock described by Mosch with a fastener, as taught by Murphy, in order to secure the members.



As to claim 43, Mosch discloses that one of the key lock and the key lock receptor further includes an alignment feature and the other of the key lock and the key lock receptor further includes a mating alignment feature (32,33 and 55).

As to claim 44, Mosch illustrates that the housing extends beyond the pivot fastener parallel to the window frame (Figure 3) and includes an aperture (14 and 15) for receiving a fastener for attaching the housing to the window.

As to claim 45, Mosch discloses that the aperture for receiving a fastener includes a retainer (the retainer can be the top edge of the apertures 14 and 15) for receiving a fastener.

As to claim 46, Mosch discloses that the base of the aperture for receiving a fastener includes a cavity (space under 14 and 15) for receiving shavings formed by attaching the window latch to the window.

As to claim 47, Mosch illustrates that the housing extends beyond the pivot fastener parallel to the window frame to include a finger shoulder for providing access to the cam latch.

As to claim 49, Mosch, as modified by Murphy, illustrates that the support wall is substantially perpendicular to the window frame.

As to claim 50, Mosch discloses that the window latch further comprises a locking arm catch (12).

As to claim 51, Mosch discloses that the window latch further includes a cam detent (53) for engaging the locking arm.

As to claims 52 and 53, Mosch discloses that the window latch further includes an aperture (16 and 17) for receiving a fastener for attaching the locking arm catch to the window.

As to claim 54, Mosch discloses that the pivot fastener is substantially non-compressible so as to facilitate the selective movement of said cam latch between the first open position and the second locked position.

#### ***Allowable Subject Matter***

5. **Claim 34 is objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 35 would also be allowed because the claim depends from claim 34.

#### **Reasons For Allowable Subject Matter**

6. The following is an examiner's statement of reasons for allowable subject matter:

Claim 34 presents allowable subject matter over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the detent includes at least one protrusion (94) on one of the housing and the bushing and a receiving groove (98) on the other of the housing and the bushing so as to provides an audible indication of the cam latch being in one of the open and the locked positions.

Chaput (US 5,741,032) teaches a connection of a protrusion and a groove. However, this connection is not between a bushing and the housing. Chaput teaches

that the locking arm (11) has a protrusion (21) that is engaged at receiving grooves (22 and 24) at the housing.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

7. Applicant's arguments with respect to the rejection of the claims in view of Chaput or as view of Mosch, as modified by Chaput and Murphy, have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Applicant's amendment, that the support wall is rigid, necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the

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mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-272-7049.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

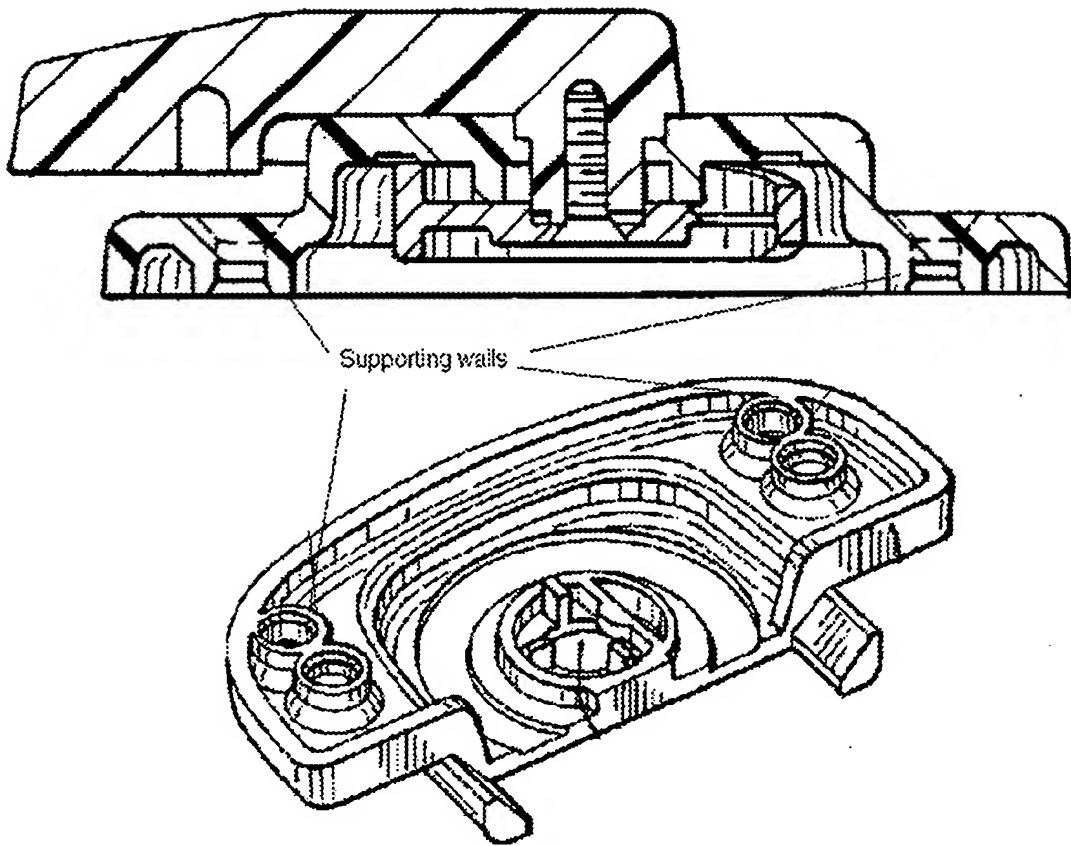
*C.L.*

Carlos Lugo  
AU 3676

December 2, 2005.



**BRIAN E. GLESSNER**  
**SUPERVISORY PATENT EXAMINER**



Attachment # 1